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Council Building
2 High Street
Perth
PH1 5PH

24/06/2024

A hybrid meeting of the **Licensing Committee** will be held in **the Council Chamber** on **Monday, 01 July 2024 at 13:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Bailie Mike Williamson (Convener)
Councillor Iain MacPherson (Vice-Convener)
Councillor Keith Allan
Councillor Hugh Anderson
Councillor Bob Brawn
Bailie Rhona Brock
Councillor Steven Carr
Councillor Andy Chan
Councillor Michelle Frampton
Councillor Ken Harvey
Councillor Crawford Reid
Councillor Willie Robertson
Councillor Grant Stewart

Licensing Committee

Monday, 01 July 2024

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF LICENSING COMMITTEE OF 20 MAY 2024 FOR APPROVAL** **5 - 8**
(copy herewith)
- 4 GRANT OF VARIATION OF CONDITION 7 OF A STREET TRADER LICENCE - LICENCE ST 493** **9 - 32**
Report by Strategic Lead - Legal and Governance (copy herewith 24/208)
- 5 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK12080P** **33 - 44**
Report by Strategic Lead - Legal and Governance (copy herewith 24/209)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

- P1 RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER LICENCE - TD721**
- Exempt Reason 14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

LICENSING COMMITTEE

Minute of hybrid meeting of the Licensing Committee held in the Council Chambers, 2 High Street, Perth, on Monday 20 May 2024 at 1.00am.

Present: Bailies R Brock and M Williamson, Councillors K Allan, H Anderson, S Carr, A Chan, B Brawn, M Frampton, K Harvey I MacPherson. G Stewart and W Robertson.

In Attendance: K Engelberts, M McLaren S Michie, D Rankin, A Taylor, A Brown and M Pasternak (all Strategy, People and Resources).

Also in attendance: K Thomson-Craig and D Smith, Police Scotland

Apologies: Councillor C Reid

Bailie M Williamson, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed all present to the meeting. An apology for absence was noted as above.

2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct, Bailie M Williamson declared a non-financial interest in Item 4 and took no part in the discussion.

3. MINUTE OF MEETING OF LICENSING COMMITTEE OF 16 APRIL 2024 FOR APPROVAL

Minute of meeting of Licensing Committee of Licensing Committee of 16 April 2024 was submitted and approved as a correct record.

HAVING PREVIOUSLY DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE M WILLIAMSON WITHDREW FROM THE CHAMBER WITH VICE-CONVENER I MACPHERSON TAKING ON THE ROLE OF CHAIR.

4. GRANT OF PUBLIC ENTERTAINMENT LICENCE PE441

There was submitted a report by Strategic Lead – Legal and Governance (24/154) along with one letter of objection in relation to Grant of Public Entertainment Licence PF411.

Mr G Howie, the applicant, along with Mr L Storey (Head of Operations at LHG Productions) and R Lyle on behalf of the Safety Advisory Group, attended the meeting, addressed the Committee, and answered Members' questions.

Mr Moir, objector was not present at the meeting.

Resolved:

The application for a public entertainment licence by Heartland Festival Ltd for an outdoor music festival at Pitlochry Recreation Ground, Pitlochry, be approved, subject to Table 3 of the conditions as set out in Appendix 1 to Report 24/154 being amended to state the parking area remain open until midnight on Sunday 30 June 2024.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

HAVING RETURNED TO THE CHAMBERS, BAILIE WILLIAMSON RE-TOOK THE CHAIR.

THE COMMITTEE AGREED TO VARY ORDER OF THE BUSINESS TO TAKE ITEM P3 AT THIS POINT.

P3. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE TD1184

There was submitted a report by Strategic Lead – Legal and Governance (24/157) together with a letter from Police Scotland dated 28 March 2024 regarding Taxi/Private Hire Car Driver Licence TD1184.

The applicant was in attendance via telephone.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion by Bailie M Williamson and Councillor W Robertson

Taxi/Private Hire Car Driver Licence No. TD1184, be suspended for the unexpired portion of the duration of the licence.

Amendment by Councillors M Frampton and B Brawn

Taxi/Private Hire Car Driver Licence No. TD1184, be revoked.

In terms of Standing Order, 21 a roll call vote was taken.

7 Members voted for the Motion as follows:

Bailies M Williamson and R Brock, Councillors H Anderson, S Carr, K Harvey, I MacPherson and W Robertson

5 Members voted for the Amendment as follows:

Councillors K Allan, B Brawn, A Chan, M Frampton and G Stewart.

Resolved:

In accordance with the Motion.

**P1. GRANT OF A SHORT TERM LET LICENCE – PROVISIONAL LICENCE
NO. PK12209P**

There was submitted a report by Strategic Lead – Legal and Governance (24/155) along with a letter of representation from Police Scotland dated 8 March 2024 regarding Grant of a Short Term Let Licence – Provisional Licence PK12209P.

The applicants, along with their legal representative were in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant's legal representative also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED

Resolved:

The application of a Short-Term Let Licence (Provision Licence No. PK12209P) at 50 Kinnoull Street, Perth, PH1 5EZ, be granted for a period of three years, subject to the inclusion of the additional conditions provided by Police Scotland in their letter of representation dated 8 March 2024.

**P2. GRANT OF A SHORT TERM LET LICENCE – NEW OPERATION –
LOCHVIEW, LOCH VIEW, WESTER ESSENDY, BLAIRGOWRIE PH10 6RD**

There was submitted a report by Strategic Lead – Legal and Governance (24/156) along with a letter of objection from Police Scotland dated 12 January 2024 regarding Grant of a Short Term Let Licence – New Operation – Lochview, Loch View, Wester Essendy, Blairgowrie, PH10 6RD.

The applicants, along with their legal representative were in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant's legal representative also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED

Resolved:

The application of a Short-Term Let Licence (New Operation) at Lochview, Loch View, Wester Essendy, Blairgowrie, PH10 6RD, be refused due to the potential risk to public safety.

P4. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE – TD1661

There was submitted a report by Strategic Lead – Legal and Governance (24/158) together with a letter from Police Scotland dated 18 January 2024 regarding Taxi/Private Hire Car Driver Licence TD1661.

The applicant and a legal representative were in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant's legal representative also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion by Bailie M Williamson and Councillor I MacPherson

Taxi/Private Hire Car Driver Licence No. TD1661, be suspended for the unexpired portion of the duration of the licence.

Amendment by Councillors W Robertson and K Harvey

Taxi/Private Hire Car Driver Licence No. TD1661, be suspended for a period of one month from today's date.

In terms of Standing Order 21, a roll call vote was taken.

10 Members voted for the Motion as follows:

Bailies M Williamson and R Brock, Councillors K Allan, H Anderson, B Brawn, S Carr, A Chan, M Frampton, I MacPherson and G Stewart.

2 Members voted for the Amendment, as follows:

Councillor K Harvey and W Robertson.

Resolved:

In accordance with the Motion

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**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**1 JULY 2024**  
**REPORT BY STRATEGIC LEAD - LEGAL AND GOVERNANCE**

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TYPE OF APPLICATION</b>         | Variation of Condition 7 of a Street Trader Licence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>APPLICANT</b>                   | Gemma Grant, 23 Dalwhammie Street, Kinross, KY13 8RG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PREMISES (if applicable)</b>    | 207 High Street, Kinross, KY13 8DL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>THE APPLICATION</b>             | <p>Ms Grant has recently been granted a street traders licence and has applied for a variation of condition 7 of the licence. (see attached a copy of the conditions). Trading times applied for are:</p> <p>Monday - Wednesday 7am-3pm<br/> Thursday - Saturday 7am-8pm<br/> Sunday 8am-1pm</p> <p>3 letters of objection have been received from members of the public regarding this application (See attached letters of objection).</p> <p>1 anonymous objection has been received regarding this application (see attached copy of objection)</p> |
| <b>RELEVANT LICENSING POLICIES</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>LEGAL POSITION</b>              | <p>Schedule 1, paragraph 10(1) of the Civic Government (Scotland) Act 1982 provides that a licensing authority may, at any time, whether upon an application made to them by the holder of a licence, vary the terms of a license on any grounds they think fit.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider the following:</p> <ul style="list-style-type: none"> <li>• any objections or representations</li> <li>• any other relevant consideration</li> </ul>                                          |
| <b>OPTIONS</b>                     | <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application;</li> <li>• grant the application with an alternative condition.</li> <li>• defer the application (9 month decision date 01/02/2025) or</li> <li>• refuse the application.</li> </ul>                                                                                                                                                                                                                                         |
| <b>PROCEDURE</b>                   | <ul style="list-style-type: none"> <li>• Identify parties.</li> <li>• Consider any preliminary issues</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|  |                                                                                                                                                                                                                                                                                                                                             |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• Objectors speak to their objections</li><li>• Committee asks any questions of the objectors</li><li>• Applicant makes their submission</li><li>• Committee asks any questions of the applicant</li><li>• Objectors sum up.</li><li>• Applicant sums up</li><li>• Committee makes decision</li></ul> |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PERTH AND KINROSS COUNCIL  
CIVIC GOVERNMENT (SCOTLAND) ACT, 1982  
STREET TRADER'S LICENCE  
CONDITIONS**

1. The licence has been granted for three years or such shorter period as determined by the Council and is valid to the date shown on the licence.
2. A street trader while trading must always wear the licence including photograph conspicuously on his/her outer garment. The licence shall be made available for inspection on request by any member of the public or authorised official of the Council or Officer of Police Scotland or other body.
3. A street trader shall not alter, erase or deface his licence in any way or allow it to be used by anybody other than the licence holder. A duplicate licence will be issued as necessary on payment of £10.
4. Street trading shall not be permitted between 1am and 6am.
5. Street trading shall not be permitted in the City Centre of Perth, being the area delineated by the black line as shown on the attached plan.
6. A street trader shall not trade within 100 metres of a shop whose main goods or services for sale are of the same or a similar class as those offered by the street trader.
7. A street trader shall not trade from any one location for more than one hour and shall move at least 100 metres away and shall not return to the previous location within one hour. This shall not apply to traders who have the permission of the organisers to trade at local shows or events.
8. A street trader trading in foods or goods for human consumption shall:
  - a) ensure that the vehicle/stall in use is kept clean and is of such construction and is maintained in such order, repair and condition to allow it to be effectively cleaned. No such vehicle shall be used as a sleeping place.
  - b) provide and maintain in proper working order equipment necessary for the proper cleaning and sterilising of all utensils and vessels used in connection therewith and comply with any regulations made under Sections 13 and 56 of the Food and Drugs (Scotland) Act, 1956; all to the satisfaction of the Director of The Environment Service.
  - c) present the vehicle/stall to the Director of The Environment Service for an annual inspection and display the Certificate of Compliance issued in a conspicuous place with the vehicle/stall.
  - d) display on the vehicle/stall in conspicuous and legible characters the name and address of the person carrying on the business and the address where the vehicle/stall is normally kept when not in use, if different from above.

9. A street trader when using a vehicle/stall shall:
  - a) not cause the vehicle/stall to stand on or within a distance of sixteen metres from any pelican or pedestrian crossing.
  - b) comply with the Road Traffic Act, 1972 and other current regulations and relevant legislation.
  - c) ensure that the vehicle/stall is causing no obstruction and can be speedily and easily removed.
10. All food displayed for sale shall be labelled in compliance with Food Labelling Regulations.
11. No food shall be sold from a vehicle while the vehicle's engine is switched on or idling, and the vehicle's doors shall be kept closed while the vehicle is in motion.
12. Food and other goods stored in connection with the business shall only be stored in premises or other places approved by the Director of The Environment Service.
13. A Street Trader shall not use a loud speaker (e.g. chimes, bells, vehicle horn etc.) from a vehicle at any time for the purpose of advertising any entertainment, trade or business.

The only exception to the above requirement is where the loud speaker is fixed to a vehicle used for the conveyance of a perishable commodity for human consumption (e.g. ice cream, etc.), and, in such" circumstances where the operation of a loudspeaker is permitted, the following restrictions shall apply:-

- (a) The loud speaker should only be operated to inform members of the public that the commodity is on sale from the vehicle
- (b) The loud speaker shall not be operated:-
  - i. so as to give reasonable cause for annoyance to persons in the vicinity
  - ii. before 12 noon or after 7 p.m.
  - iii. for longer than four seconds at a time.
  - iv. more often than once every three minutes.
  - v. when the vehicle is stationery.
  - vi. except on approach to a selling point.
  - vii. when in sight of another vehicle which is trading.
  - viii. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
  - ix. more often than once every two hours on the same length of street.
  - x. louder than 80 decibels (dB(A)) at 7.5 metres from the vehicle.
14. A street trader shall remove any paper, or other refuse which may collect as a result of trading and shall not allow any paper etc. to be deposited or to fall on any street or adjoining property. Where a trader trades at a particular location for more than 15 minutes he shall place a litter bin or other receptacle beside his vehicle/stall for the deposit of paper, etc. by his customers.

15. On written notice being served by an Environmental Health Officer on a street trader that his/her clothing or persons unclean or unsuitable or that the vehicle/stall is unclean or unsuitable, such street trader shall immediately cease street trading until the complaint is dealt with to the satisfaction of the Environmental Health Officer.
16. A street trader shall not employ or appoint for the purpose of street trading within the district any person who does not hold a street trader's licence. No person under 17 years shall engage or be employed in street trading. A street trader shall keep available for inspection a register showing the names and addresses of all street traders in the district employed by him.
17. Notwithstanding the above and any other conditions annexed a street trader while trading shall comply with any order or instruction given by an Officer of Police Scotland.
  - a) or the prevention of obstruction or annoyance to the public or to the occupiers of any premises, or
  - b) in connection with any emergency or disturbance, or
  - c) on any occasion when an Officer at his discretion may consider it necessary in the public interest to give such order or instruction
18. A street trader shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which his licence relates.

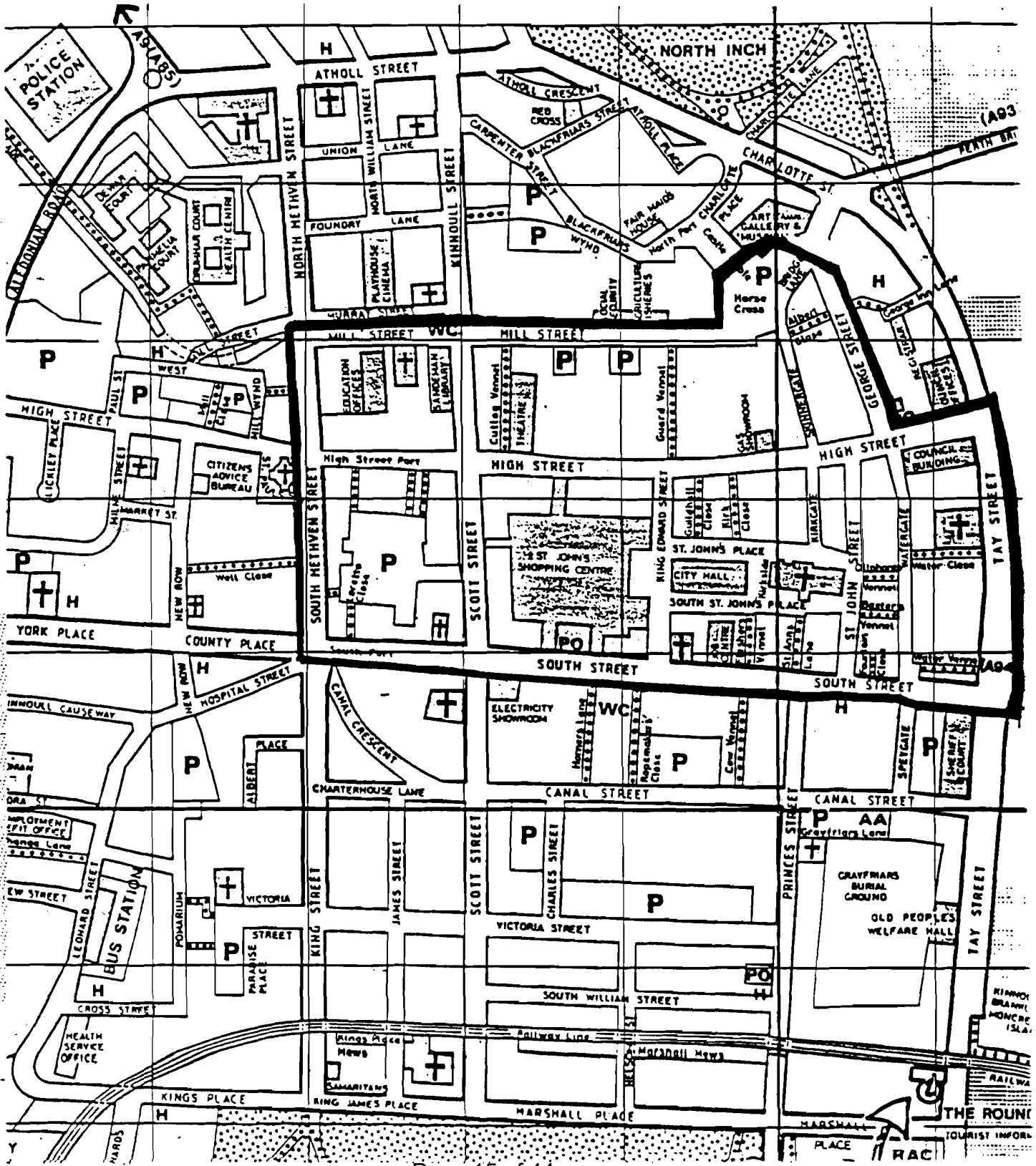
A street trader who ceases to act as such for the unexpired period of the licence or whose licence has been suspended by the Council or has expired shall, within 7 days, return the licence to the Head of Legal Services.

## NOTES

1. A street trader's licence is not required to trade on trunk or principal roads not covered by a 30 m.p.h. or 40 m.p.h. speed restriction or on all land within 15 metres of such roads. However, the permission of Perth and Kinross Council, as roads authority, is required to trade in such areas.
2. The Council may, at any time, vary the terms of a licence on any grounds which they consider reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Committee before any variation is made. A licence holder may, at any time, apply for variation of any of the conditions.
3. The Council may order suspension of a licence if in their opinion:
  - (a) the holder is no longer a fit and proper person to be the holder of such a licence, whether because of conviction for offences which have taken place since the grant or renewal of the licence or for any other good reason.
  - (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence.
  - (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety.
  - (d) a condition of the licence has been contravened.
4. The Council will issue renewal notices to the last known address of the licence holder but it will be the duty of the street trader to ensure that an application for renewal is made whether or not a renewal notice has been received.
5. It is an offence to contravene any condition attached to a street trader's licence.

Lisa Simpson  
Head of Legal Services  
Council Building  
2 High Street  
Perth  
PH1 5PH

AREA OF PERTH CITY CENTRE IN WHICH  
STREET TRADING NOT PERMITTED UNDER  
CONDITION 5 OF THE LICENCE AS DELINEATED  
BY BLACK LINE







Kirsty Batchelor  
174 High Street  
Kinross  
KY13 8DE

Email: [REDACTED]

Tel: [REDACTED]

1<sup>st</sup> May 2024

FAO: Perth and Kinross Council

Dear Sir/Madam

I am writing to vehemently oppose the permit application for a burger van 'Dirty Dog' at 207 High Street, Kinross, KY13 8DL. The proposed establishment not only disregards our neighbourhood's residential peace and safety, but also represents an inappropriate and unwelcome addition to an existing problematic site. There is no logical connection between the current site and the proposed burger van, highlighting the arbitrary nature of this permit application.

The noise, dirt, and speeding caused by the Kinross Car Wash operation has been a constant nuisance for residents. Adding a burger van to the mix would only exacerbate these issues, creating a compound effect that would further degrade our quality of life.

Allowing a burger van to operate in such close proximity to residential areas raises serious doubts about the safety and hygiene of the food being served. Without proper oversight and regulation, I have serious concerns regarding the storage of cooking oil and gas required to function as a burger van. We refuse to jeopardize the health and well-being of our community.

The mere presence of a commercial operation such as a burger van will undoubtedly depreciate property values in the area. Prospective buyers will be repelled by the prospect of living next to a constant source of noise, traffic, and litter. Our homes are not commodities to be devalued for the sake of a business proposal that encourages anti-social behaviour in our community.

Furthermore, there is no existing street trader license for the proposed burger van, Therefore, the application to vary condition 7 of a non-existent license is perplexing and raises serious doubts about the legitimacy of the entire process. The application is dated 19<sup>th</sup> April, however the sign was erected 28<sup>th</sup> April in an inconspicuous location between two parked vehicles. It fails to provide any compelling justification for the proposed variance. Without a clear rationale for deviating from standard licensing conditions, it is

unreasonable to consider granting such a variance, especially in a residential area where the impacts on residents must be carefully evaluated and mitigated.

I demand that the council consider the existing issues with the site and reject the permit for the burger van at this location. Our neighbourhood should not be subjected to further disruption and inconvenience.

Thank you for taking our concerns into account. We trust that you will make the right decision for the well-being of our community.

Yours Sincerely,

Kirsty Batchelor



PERTH & KINROSS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT, 1982

REQUEST TO VARY CONDITION 7 OF STREET TRADER LICENCE

SITE NOTICE

NOTICE IS HEREBY GIVEN that a request has been made on (date) 19/04/2020

Perth and Kinross Council to vary the terms of \*Condition 7 of a Street Trader

Licence in respect of the site at 207 High Street, Kinross

by Name Gemma Grant

Address 207 High Street, Kinross, KY13 8DL

Any objections or representations in relation to the application may be made to the Head of Legal Services; Chief Executive's – Legal, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD, within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

- (1) Any objection or representation relating to an application for a grant or renewal of a licence shall be entertained by the Council if, but only if, the objection or representation-
  - (a) is in writing;
  - (b) specifies the ground of the objection or, as the case may be the nature of the representation;
  - (c) specifies the name and the address of the person making it;
  - (d) is signed by the person or on their behalf;
  - (e) was made to them within 28 days of this Notice being displayed as required by the Council.
- (2) Notwithstanding (1) (e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required.
- (3) An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

\*Condition 7. A street trader shall not trade from anyone location for more than one hour and shall move at least 100 metres away and shall not return to the previous location within one hour. This shall not apply to traders who have the permission of the organisers to trade at local shows or events.

## Civic Licensing

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**From:** [REDACTED]  
**Sent:** 01 May 2024 11:13  
**To:** Civic Licensing  
**Cc:** Councillor Dave Cuthbert; Councillor Neil Freshwater; Councillor William Robertson; Councillor Richard Watters  
**Subject:** Kinross Car Wash/Hot Food Van Objection 207 High Street Kinross KY13 8DE.  
**Attachments:** Photo from James Connelly; Photo from James Connelly

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

For the attention of Civil Licensing.

I refer to my telephone call to your office yesterday 30<sup>th</sup> April 2024.

As discussed, the reason for my call was to find out what a licensing notice, erected on Sunday 28<sup>th</sup> April 2024, at Kinross car wash was in respect of.

It was explained that this was an application for the siting of a hot food van with a variation request for permanent siting.

I enquired about the proposed trading times but this information could not be given as the application was not at hand!

I raised my concerns with this proposal and the lack of information available and was requested to put these concerns in writing.

**I strongly object to this application and having a hot food van opposite my home on the following grounds:**

I would firstly point out I only saw the notice by complete chance. It is not sited at the edge of the site where it would be clearly visible to all, but erected in between 2 vehicles (I actually thought the notice was in relation to selling these vehicles). I have real concerns that neighbours may not be aware of this proposed application. (Please see attached photo's above).

The application is dated 19<sup>th</sup> April 2024 but was only erected on Sunday 28<sup>th</sup> April 2024, limiting the timeframe for any concerns to be raised.

The application does not give much information regarding the proposal. I searched the PKC web site but was unable to locate anything, hence my call to your office. I now know what the licensing notice refers to but not the proposed trading times. **Please can the proposed days and hours of trading be provided.**

This proposal is detrimental to the character and amenity of the surrounding properties.

This proposal is being sited in a predominantly residential area.

This proposal is very likely to reduce the value of surrounding properties – who would want to live opposite a fast food van.

The High Street is already very busy with parking for residents extremely limited and difficult, this will increase if this proposal is granted.

If this application is allowed then how will it be managed by PKC in respect of Health & Safety, Food Standard Safety, agreed trading hours adhered to, proper waste management, noise nuisance, illegal parking etc

I am very concerned that the applicant seems to be assuming the application will be approved. Please see Facebook, Kinross-shire Community Group where 'Kinross Creations' have announced this new food van.

<https://www.facebook.com/profile.php?id=61557923131138>

Based on current activity on this site, I would be interested to know if this application is being made by Kinross car wash and if they have agreed operating hours with PKC. The reason I ask is there is often activity at the car wash late into the evening and we regularly get wakened very late at night or early in the morning with vehicle transporters being loaded and unloaded. There is also often very loud music playing.

I trust my above concerns will be taken into consideration.

I have copied this e-mail to the local Perth & Kinross Councillors for Kinross-shire to ensure they are aware of this proposal and my concerns.

Yours sincerely,

Kenneth MacLaren

'Troquhain', 186, High Street, Kinross, KY13 8DE.







P&K IDMTS/5/202408:33:25

Callum Nicol  
188 High Street  
Kinross  
KY13 8DE



Monday 13<sup>th</sup> May 2024

Head of Legal Services  
Chief Executive's - Legal  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Dear Sir/Madam,

**Re: Objection to the Variation of Condition 7 of Street Trader Licence at 207 High Street**

I am writing to strongly oppose the application made by Gemma Grant to vary Condition 7 of a Street Trader Licence in respect of the site at 207 High Street, Kinross.

As a resident of 188 High Street, Kinross, I am deeply concerned about the potential impact of this licence variation on our community, particularly on the following grounds:

**Residential Area Unsuitability:** 207 High Street is situated within a residential area. Granting this variation would lead to increased noise, litter, and traffic congestion, significantly disrupting the peace and quiet of our neighbourhood. We all have a right to peacefully enjoy our homes without unnecessary noise, particularly during unsociable hours.

**Completely Unacceptable Trading Times and Practices:** The proposed trading times (which have been posted on social media), along with every other part of the applicant's proposal, are completely unacceptable for this residential area. The operation of a generator at unreasonable hours, increased queuing on the road (which can already happen due to the car wash), increased traffic noise & pollution and foot fall, and the potential for increased litter and vermin pose a significant disturbance to the residents' peace and quiet enjoyment of their homes and the immediate area. The opening hours for this proposed food truck, which is already on site along with several recently decorated picnic benches, have been posted on social media under the names 'Kitchen Creations and Dirty Dog', along with menus. The food truck is already in situ placed directly next to the closest residential boundary. The benches on site are very concerning and further increase the potential of noise coming from the premises as they clearly show that there is a planned dining area. I do not want to be woken by a food truck preparing to start serving at 6:30am 6 days a week and 8am on a Sunday – the fact that I even have to oppose this is farcical. I can't imagine anyone would ever be happy about a food truck and its customers being their alarm clock. I

don't imagine our infant child will appreciate being kept awake by them in the evening either.

**Precedent:** From researching the topic of food truck licence applications in residential areas throughout Scotland, articles found via search and archive tools show numerous licence requests rejected (too many to list) in residential areas due to concerns from residents about increased noise, traffic, litter and general negative impact to residential living standards in the residential areas.

The most relevant of these to this application was a licence rejected by Perth and Kinross Council in 2021. I have copied an article by Jamie Buchan which was printed in The Courier on February 10<sup>th</sup> 2021 and it includes a quote from the council that I have highlighted.

*"By Jamie Buchan*

*Perth and Kinross Council has rejected plans for a new food truck in a residential area over fears it could cause noise pollution.*

*The local authority has refused the application to locate the mobile food unit on Rannoch Road in Scone.*

***A council planning officer said: "The proposal involves the siting of a mobile food unit within a residential area which raises concerns with noise and disturbance associated with the use.***

***"The site is located within close proximity to residential properties and it is considered that the operation of a food unit on the site has the potential to cause undue harm to the amenity of neighbouring residents."***

*Several residents of Rannoch Road raised objections to the proposals, citing concerns over increased noise and traffic.*

*A letter of representation from one resident said: "Rannoch Road is a residential area and this proposal is simply not compatible with the nature of the street or its amenity.*

*"It would result in increased noise, disturbance and pollution for those living on Rannoch Road."*

**Property Devaluation:** Quite simply, if there had been a food truck on a site directly across the road when we arrived to view this property nearly 10 years ago we would not even have attended the property viewing, never mind going through with the purchase. We would have found a constant flow of traffic, cooking smell and noise completely off putting and not something we wanted to live next to. I can't imagine many home buyers being thrilled at the thought of living directly next to a food truck and all of the disruption that comes with it.

**Litter and Vermin Concerns:** As a frequent walker of the nature reserve, I have observed an abundance of litter along the path at the loch, much of it originating from local takeaways.

Allowing street trading in this area risks attracting vermin to the high street and exacerbating the litter problem, further impacting the nearby nature reserve.

**Traffic and Parking Issues:** Granting this variation would inevitably lead to increased traffic congestion in an already highly congested area, so congested that we have to plan any outings around returning at a time where we may get a parking space. This area of the High Street is already plagued by issues such as speeding, loud music, car horns and queuing on the main road which is mainly caused by the existing car wash, there is also often loud music from the site and trucks unloading vehicles late into the night or during the early hours. Introducing a food truck to the site would exacerbate these problems, making the area intolerable for residents.

**Hidden Notice of Application:** It has come to my attention that the notice of the application is not on public display as required but is in fact on the site in between two vehicles and not publicly facing. We would not have been aware of this application if it had not been brought to our attention after the opening date and times were posted on social media at which time a neighbour went to look for the notice. I have attached an image of their placement of the notice.



**Alternative Sites within the Area:** There are several purely industrial sites within the local area where food trucks & burger vans could trade from that wouldn't disturb local residents and affect the quality of their lives, this should be the primary concern when addressing this application – that resident's quality of life will be affected by this in a wide range of ways if it

goes ahead. If this licence is granted then peoples enjoyment of their homes will be affected all for the sake of some fast food which can be obtained in abundance from businesses that are already established in premises further up the high street with adequate parking and waiting areas for their customers. There is not a community need for a food truck in a residential area, but there is a community need for the right to peaceful enjoyment within your own home.

For these reasons, I strongly urge the Council to reject the proposed variation of Condition 7.

Please acknowledge receipt of this objection and inform me of any further steps in this process.

Yours faithfully,

Callum Nicol

2nd May 2024

FAO: Perth and Kinross Council

Dear Sir/Madam,

I am writing to vehemently oppose the permit application for a burger van 'Dirty Dog' at 207 High Street, Kinross, KY13 8DL. The proposed establishment not only disregards our neighbourhood's residential peace and safety, but also represents an inappropriate and unwelcome addition to an existing problematic site. There is no logical connection between the current site and the proposed burger van, highlighting the arbitrary nature of this permit application.

The noise, dirt, and obstructions caused by the Kinross Car Wash operation have been a persistent nuisance for residents. The street is heavily congested and the road is not wide enough for 2 cars to pass each other safely (wing mirrors have been taken off and vehicles scratched by vehicles passing at speed), therefore adding a burger van to the mix will considerably exacerbate these issues, creating a compound effect that would further degrade our quality of life and the safety of our street. Furthermore, parking for residents on this section of High Street is already extremely limited - to consider an increase in demand for parking in this constrained area is both negligent and potentially dangerous.

Allowing a burger van to operate in such close proximity to residential areas raises serious doubts about the safety and hygiene of the food being served. Without proper oversight and regulation, I have serious concerns regarding the storage and disposal of cooking oils and fuels required to function as a burger van. We refuse to jeopardise the health and well-being of our community. Its location, in close

proximity to idling car exhausts and a messy car wash, also throws into question the food safety and hygiene standards of said establishment

The mere presence of a commercial operation such as a burger van will undoubtedly depreciate property values in the area. Prospective buyers will be repelled by the prospect of living next to a constant source of noise, congestion, and litter. Our homes are not commodities to be devalued for the sake of a business proposal that encourages anti-social behaviour and loitering in our community.

Furthermore, there is no existing street trader licence for the proposed burger van, Therefore, the application to vary condition 7 of a non-existent licence is perplexing and raises serious doubts about the legitimacy of the entire process. The application is dated 19<sup>th</sup> April, however the sign was erected 28<sup>th</sup> April in an inconspicuous location between two parked vehicles. It fails to provide any compelling justification for the proposed variance. Without a clear rationale for deviating from standard licensing conditions, it is unreasonable to consider granting such a variance, especially in a residential area where the impacts on residents must be carefully evaluated and mitigated.

I demand that the council seriously consider the existing issues with the site and reject the permit for the burger van at this location. Our neighbourhood should not be subjected to further disruption and inconvenience.

Thank you for taking our concerns into account. We trust that you will make the right decision for the well-being of our community.

Yours Sincerely,

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PERTH & KINROSS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT, 1982

REQUEST TO VARY CONDITION 7 OF STREET TRADER LICENCE

SITE NOTICE

NOTICE IS HEREBY GIVEN that a request has been made on (date) 17/04/2010

Perth and Kinross Council to vary the terms of \*Condition 7 of a Street Trader

Licence in respect of the site at 207 High Street, Kinross

by Name Gemma Grant

Address 207 High Street, Kinross, KY13 8DL

Any objections or representations in relation to the application may be made to the Head of Legal Services, Chief Executive's - Legal, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD, within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

- (1) Any objection or representation relating to an application for a grant or renewal of a licence shall be entertained by the Council if, but only if, the objection or representation-
  - (a) is in writing;
  - (b) specifies the ground of the objection or, as the case may be the nature of the representation;
  - (c) specifies the name and the address of the person making it;
  - (d) is signed by the person or on their behalf;
  - (e) was made to them within 28 days of this Notice being displayed as required by the Council.
- (2) Notwithstanding (1) (e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required.
- (3) An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

\*Condition 7. A street trader shall not trade from anyone location for more than one hour and shall move at least 100 metres away and shall not return to the previous location within one hour. This shall not apply to traders who have the permission of the organisers to trade at local shows or events.





**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**1 July 2024**  
**REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES**

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TYPE OF APPLICATION</b>         | Grant of a Short-Term Let Licence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>APPLICANT</b>                   | Mr John Ross Fallon                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>PREMISES (if applicable)</b>    | 14 Hill View Lodges, Rumbling Bridge ,Kinross, Perth And Kinross, KY13 0QT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>THE APPLICATION</b>             | <p>Mr Fallon, the sole Applicant, has applied for a three-year short-term let licence as an existing host (operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>The short-term let property is a detached house. The Application is for that of a 'Home Letting' short-term let licence.</p> <p>The property has one bedroom, the Applicant has applied for a maximum capacity of four guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letters of objection).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>RELEVANT LICENSING POLICIES</b> | <p>The Council's Short Term Let Policy was approved by the Licensing Committee on 22 September 2022.</p> <p>The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence.</p> <p>The aims of the licensing scheme are:</p> <ul style="list-style-type: none"> <li>• to ensure all short-term lets are safe;</li> <li>• to facilitate licensing authorities in knowing and understanding what is happening in their area; and</li> <li>• to assist with handling complaints and address issues faced by neighbours effectively.</li> </ul> <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> <li>• the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper");</li> <li>• compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);</li> <li>• compliance/ability to comply with any additional conditions</li> </ul> |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <p>that the Council might attach to the licence (either specific to the accommodation, or specific to short-term lets in Perth and Kinross); and</p> <ul style="list-style-type: none"> <li>• the suitability of the premises in the context of Perth and Kinross Council's policies.</li> </ul> <p>The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.</p> <p><b>Conditions attached to a Short-term Let Licence</b></p> <p><b><u>Mandatory Conditions</u></b></p> <p>Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as “mandatory conditions” and are detailed at Annex A.</p> <p><b>Please note that the Council has no power to amend these mandatory conditions.</b></p> <p>All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.</p> |
| <p><b>LEGAL POSITION</b></p> | <p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a short-term let licence. Any decision to refuse a short-term let licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982:-</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds of refusal are:-</p> <p>(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | <p>(i) for the time being disqualified under section 7(6) of this Act, or</p> <p>(ii) not a fit and proper person to be the holder of the licence;</p> <p>(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application him/herself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to –</p> <p>(i) the location, character or condition of the premises;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p>(i) the mandatory licence conditions, and</p> <p>(ii) the standard conditions and any further conditions to which the licence is to be subject;</p> <p>(cb) the application does not contain the consent of the owners of the premises; or</p> <p>(d) there is other good reason for refusing the application; and otherwise shall grant the application.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> <li>• any Objections or Representations</li> <li>• this Licensing Policy Statement</li> <li>• any other relevant considerations</li> </ul> |
| <b>OPTIONS</b>   | <p>The Committee need to consider whether the objections received relate to the activity of a short term let licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application;</li> <li>• grant the application for a shorter period of time;</li> <li>• grant the application with additional conditions; or</li> <li>• refuse the application if one of the grounds for refusal exist.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>PROCEDURE</b> | <ul style="list-style-type: none"> <li>• Identify parties</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"> <li>• Consider any preliminary issues</li> <li>• Members of the public speak to their representation(s)/objection(s)</li> <li>• Committee asks any questions to the objectors</li> <li>• Applicant makes submission</li> <li>• Committee asks any questions of the applicant</li> <li>• Objector/s sum up</li> <li>• Applicant sum up</li> <li>• Committee makes decision</li> </ul> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of short-term let licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:-

**Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short- term let of the premises.

**Type of licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

**Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of -

(a) fire or suspected fire, and

(b) the presence of carbon monoxide in a concentration that is hazardous to health.

4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(1).

## **Gas safety**

5. Where the premises has a gas supply -
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

## **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in -
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
  - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to—
    - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
    - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

### **Water safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

### **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

### **Safety & repair standards**

10. — (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

### **Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -

- (a) a certified copy of the licence and the licence conditions,
- (b) fire, gas and electrical safety information,
- (c) details of how to summon the assistance of emergency services,
- (d) a copy of the gas safety report,
- (e) a copy of the Electrical Installation Condition Report, and
- (f) a copy of the Portable Appliance Testing Report.

### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or

(b) planning permission under the 1997 Act is in force.

### **Listings**

14. - (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes -

- (a) the licence number, and
- (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(5)</sup>.

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

15. The holder of the licence must ensure that there is in place for the premises -

- (a) valid buildings insurance for the duration of the licence, and
- (b) valid public liability insurance for the duration of each short-term let agreement.

### **Payment of fees**

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

### **False or misleading information**

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

### **Interpretation**

18. In this schedule -

“Electrical Installation Condition Report” means a report containing the following information –

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,

(e) any defect identified,

(f) any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

“gas safety report” means a report containing the following information -

(a) the date on which the appliance or flue was checked,

(b) the address of the premises at which the appliance or flue is installed,

(c) a description of and the location of each appliance or flue checked,

(d) any safety defect identified,

(e) any remedial action taken,

(f) confirmation that the check undertaken complies with the requirements of an examination of -

(i) the effectiveness of any flue,

(ii) the supply of combustion air,

(iii) subject to head (iv), its operating pressure or heat input or, where necessary,

(iv) if it is not reasonably practicable to examine its combustion performance,

(v) its operation so as to ensure its safe functioning,

(g) the name and signature of the individual carrying out the check, and

(h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

“holder of the licence” means any person to whom a short-term let licence has been granted or jointly granted,

“home letting” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,



“home sharing” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

“premises” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

“short-term let” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

“short-term let licence” means a licence for a short-term let, and “type of short-term let” means one of the following purposes -

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.



**CDS STL**

---

**From:** Mr Walker <[REDACTED]>  
**Sent:** 24 October 2023 18:17  
**To:** CDS STL  
**Subject:** [objection of short term let] 14 hill view lodge ky130qt

**Categories:** OBJECTIONS/COMPLAINTS

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

To whom it may concern  
i object to this application for a number of reasons

[REDACTED]

2 he was advertising his property for people attending knockhill race track on a air bnb site saying that he had a garage for fixing race cars which would be disturbing our peace as wee moved here for the quietness .  
3 his garden is already a scrap yard full of scrap cars and it has been attracting vernom and also an eye sore to the community and wee have to look at that every day.  
4 wee stay in a small hamlet and have worked hard to get here and previously he has been short term renting it and the noise from the tennents is disturbing our peace.

yours sincerely  
carlanne walker  
15 hill view lodge ky130qt

